



Labor & Employment ADVISORY ■

JULY 31, 2017

What Employers Need to Know About the New Form I-9

U.S. Citizenship & Immigration Services (USCIS) announced and released another new version of the Form I-9. The new form has a revision date of July 17, 2019, and an expiration date of August 31, 2019. Employers are cautioned not to confuse this version with the version that was issued on November 14, 2016, and became effective on January 22, 2017. Both versions have the same expiration date. The [new version of the Form I-9](#) can be identified by the “07/17/17 N” mark in the lower left corner of the document.

All U.S. employers are required to complete and retain a Form I-9 for each newly hired employee who has been hired after November 6, 1989, regardless of citizenship status and/or nationality. In addition, U.S. employers are required to reverify the employment authorization of an employee who selected the “alien authorized to work” field and whose employment authorization document has expired, with rare exceptions. As of *September 18, 2017*, all U.S. employers *must* use the Form I-9 marked (07/17/17 N) for all new employees hired on or after September 18, 2017. Employers are fined for failure to use the correct version of the Form I-9. Employers may continue to use the current version of the Form I-9 (revision date of 11/14/16 N) through September 17, 2017.

The new version of the Form I-9 includes revised instructions and “List of Acceptable Documents.” Both the instructions and the List of Acceptable Documents should be made available to employees. There were no changes to the actual Form I-9 but for the revision date.

Some key changes in the Form I-9 instructions and List of Acceptable Documents include:

- Removal of the phrase “the end of” from “the first day of employment” in the instructions regarding employees who are hired to work for less than three business days. Accordingly, for an employee hired to work for less than three business days, we suggest the employer ensure that Section 1 and Section 2 of the Form I-9 are fully completed before the employee begins to work.

- Form FS-240, The Consular Report of Birth Abroad, is now an acceptable List C document. The certifications of report of birth issued by the U.S. Department of State – Form FS-545, Form DS-1350, and Form FS-240 – are consolidated in List C as one single entry, C #2. The List C documents list is renumbered in the order they appear on the List of Acceptable Documents.
- Amendment of the name of the Office of Special Counsel.

In light of these changes, a revised M-274, Handbook for Employers, will be forthcoming. Alston & Bird will continue to monitor these changes. If you should have any questions, please do not hesitate to contact Eileen Scofield at eileen.scofield@alston.com.

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